

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
) No. 12 CR 791-2
vs.)
) Judge John Z. Lee
STEVE LEWIS)
)

**DEFENDANT'S MOTION FOR LEAVE OF
COURT TO FILE SUPPLEMENTAL BRIEF**

The defendant, STEVE LEWIS, by and through his counsel, the AMBROSE LAW FIRM and DiNICOLA LAW OFFICES, respectfully moves for leave of Court (A) to file a supplemental brief in response to the government's anticipated reply brief lodged with the court on June 20, 2014, regarding the government's motion *in limine* barring the introduction of evidence, cross-examination, or argument regarding the alleged misconduct of financial institutions, and (B) to re-set the hearing on the pending motions *in limine* to the earliest date convenient to the court following the briefing. In support of its motion, the defendant avers as follows:

1. On May 30, 2014, the government filed a motion *in limine* seeking to bar the introduction of evidence, cross-examination, or argument regarding the financial institutions' alleged misconduct, negligence, or lack of reasonable reliance.

2. Defendant's response to the government's motion *in limine* was due to be filed by prior order of the Court by no later than June 6, 2014. Without objection, the Court extended the time by which defendant may respond to the motion until June 13, 2014.

3. On June 13, 2014, defendant filed his response to the government's motion *in limine*.

4. On June 20, 2014, the government filed a motion for leave to file a reply brief accompanied by the proposed reply brief that relies upon the recent decision in United States v. Litos, 2014 WL 2216096 (N.D. Ind. 2014), decided on May 28, 2014.

5. In anticipation of the court granting the government's motion for leave to file its proposed reply brief, the defendant seeks the opportunity to provide supplemental briefing in light of this recent case and other arguments of the government including its mistaken characterizations of the evidence being proffered by the defendant.

6. The defendant's counsel received the government's motion in the afternoon on Friday, July 20, 2014, and is presenting this motion at the earliest possible time.

7. Counsel for the defendant seek until July 7, 2014, to file the defendant's supplemental brief because the prior professional commitments of defense counsel will delay their ability to attend to this reply. Mr. DiNicola, who has principal responsibility for this briefing, is scheduled to be traveling abroad on business from June 24 to June 29, 2014.

8. Counsel understands that there has been communication between counsel for the government and chambers concerning rescheduling of the currently set hearing on the pending *in limine* motions based upon a personal scheduling conflict on the part of counsel for the government. Defense counsel has no objection to the rescheduling of the hearing.

9. Based on these circumstances and the pending requests of the parties to submit additional briefing, the defense proposes a hearing on pending motions *in limine* to be held on a date convenient to the Court following the requested additional briefing.

WHEREFORE, the defendant Steve Lewis requests the following:

1. Leave of Court to file a supplemental brief on or before July 7, 2014, in response to the government's anticipated reply brief in further support of its motion *in limine*, and
2. Setting a hearing on the motions *in limine* to be held on a date convenient to the Court following the requested additional briefing.

Respectfully submitted,

**AMBROSE LAW FIRM
Leonard G. Ambrose, III**

By: /s/ Leonard G. Ambrose, III

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Ronald A. DiNicola**

Attorneys for Defendant Steve Lewis

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UNITED STATES OF AMERICA,)
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Vs.) CRIMINAL ACTION NO. 12 CR 791-2
STEVE LEWIS,)
)
)
Defendant) FILED ELECTRONICALLY

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2014, I electronically submitted the foregoing document to the Clerk of the Court for the United States District Court for the Northern District of Illinois, Eastern Division, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" and copy of the foregoing document to the counsel of record, who by rule, have consented to accept the service of this document by electronic means.

AMBROSE LAW FIRM

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